

(C) A community-based organization, population-specific organization, university or health care clinic, faith-based organization, or other non-profit, nongovernmental organization with a demonstrated history of effective work addressing the needs of children exposed to domestic violence, dating violence, sexual assault, or stalking.

(D) A nonprofit, nongovernmental entity providing services for runaway or homeless youth affected by domestic violence, dating violence, sexual assault, or stalking.

(E) Healthcare entities eligible for reimbursement under title XVIII of the Social Security Act [42 U.S.C. 1395 et seq.], including providers that target the special needs of children and youth.

(F) Any other agencies, population-specific organizations, or nonprofit, nongovernmental organizations with the capacity to provide necessary expertise to meet the goals of the program; or

(3) a public, charter, tribal, or nationally accredited private middle or high school, a school administered by the Department of Defense under section 2164 of title 10 or section 921 of title 20, a group of schools, a school district, or an institution of higher education.

(d) Grantee requirements

(1) In general

Applicants for grants under this section shall prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require that demonstrates the capacity of the applicant and partnering organizations to undertake the project.

(2) Policies and procedures

Applicants under this section shall establish and implement policies, practices, and procedures that—

(A) include appropriate referral systems to direct any victim identified during program activities to highly qualified follow-up care;

(B) protect the confidentiality and privacy of adult and youth victim information, particularly in the context of parental or third party involvement and consent, mandatory reporting duties, and working with other service providers;

(C) ensure that all individuals providing prevention programming through a program funded under this section have completed or will complete sufficient training in connection with domestic violence, dating violence, sexual assault or stalking; and

(D) document how prevention programs are coordinated with service programs in the community.

(3) Preference

In selecting grant recipients under this section, the Attorney General shall give preference to applicants that—

(A) include outcome-based evaluation; and

(B) identify any other community, school, or State-based efforts that are working on domestic violence, dating violence, sexual assault, or stalking prevention and explain

how the grantee or partnership will add value, coordinate with other programs, and not duplicate existing efforts.

(e) Definitions and grant conditions

In this section, the definitions and grant conditions provided for in section 12291 of this title shall apply.

(f) Authorization of appropriations

There is authorized to be appropriated to carry out this section, \$15,000,000 for each of fiscal years 2014 through 2018. Amounts appropriated under this section may only be used for programs and activities described under this section.

(g) Allotment

(1) In general

Not less than 25 percent of the total amounts appropriated under this section in each fiscal year shall be used for each set of purposes described in paragraphs (1), (2), and (3) of subsection (b).

(2) Indian tribes

Not less than 10 percent of the total amounts appropriated under this section in each fiscal year shall be made available for grants to Indian tribes or tribal organizations. If an insufficient number of applications are received from Indian tribes or tribal organizations, such funds shall be allotted to other population-specific programs.

(Pub. L. 103-322, title IV, §41303, as added Pub. L. 109-162, title IV, §401, Jan. 5, 2006, 119 Stat. 3018; amended Pub. L. 113-4, title IV, §402(a), Mar. 7, 2013, 127 Stat. 92.)

Editorial Notes

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (c)(2)(E), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Title XVIII of the Act is classified generally to subchapter XVIII (§1395 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

CODIFICATION

Section was formerly classified to section 14043d-2 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2013—Pub. L. 113-4 amended section generally. Prior to amendment, section related to grants to assist children and youth exposed to violence.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 113-4 not effective until the beginning of the fiscal year following Mar. 7, 2013, see section 4 of Pub. L. 113-4, set out as a note under section 2261 of Title 18, Crimes and Criminal Procedure.

§ 12464. Grants to support families in the justice system

(a) In general

The Attorney General may make grants to States, units of local government, courts (including juvenile courts), Indian tribal govern-

ments, nonprofit organizations, legal services providers, and victim services providers to improve the response of all aspects of the civil and criminal justice system to families with a history of domestic violence, dating violence, sexual assault, or stalking, or in cases involving allegations of child sexual abuse.

(b) Use of funds

A grant under this section may be used to—

(1) provide supervised visitation and safe visitation exchange of children and youth by and between parents in situations involving domestic violence, dating violence, child sexual abuse, sexual assault, or stalking;

(2) develop and promote State, local, and tribal legislation, policies, and best practices for improving civil and criminal court functions, responses, practices, and procedures in cases involving a history of domestic violence or sexual assault, or in cases involving allegations of child sexual abuse, including cases in which the victim proceeds pro se;

(3) educate court-based and court-related personnel and court-appointed personnel (including custody evaluators and guardians ad litem) and child protective services workers on the dynamics of domestic violence, dating violence, sexual assault, and stalking, including information on perpetrator behavior, evidence-based risk factors for domestic and dating violence homicide, and on issues relating to the needs of victims, including safety, security, privacy, and confidentiality, including cases in which the victim proceeds pro se;

(4) provide appropriate resources in juvenile court matters to respond to dating violence, domestic violence, sexual assault (including child sexual abuse), and stalking and ensure necessary services dealing with the health and mental health of victims are available;

(5) enable courts or court-based or court-related programs to develop or enhance—

(A) court infrastructure (such as specialized courts, consolidated courts, dockets, intake centers, or interpreter services);

(B) community-based initiatives within the court system (such as court watch programs, victim assistants, pro se victim assistance programs, or community-based supplementary services);

(C) offender management, monitoring, and accountability programs;

(D) safe and confidential information-storage and information-sharing databases within and between court systems;

(E) education and outreach programs to improve community access, including enhanced access for underserved populations; and

(F) other projects likely to improve court responses to domestic violence, dating violence, sexual assault, and stalking;

(6) provide civil legal assistance and advocacy services, including legal information and resources in cases in which the victim proceeds pro se, to—

(A) victims of domestic violence; and

(B) nonoffending parents in matters—

(i) that involve allegations of child sexual abuse;

(ii) that relate to family matters, including civil protection orders, custody, and divorce; and

(iii) in which the other parent is represented by counsel;

(7) collect data and provide training and technical assistance, including developing State, local, and tribal model codes and policies, to improve the capacity of grantees and communities to address the civil justice needs of victims of domestic violence, dating violence, sexual assault, and stalking who have legal representation, who are proceeding pro se, or who are proceeding with the assistance of a legal advocate; and

(8) to¹ improve training and education to assist judges, judicial personnel, attorneys, child welfare personnel, and legal advocates in the civil justice system.

(c) Considerations

(1) In general

In making grants for purposes described in paragraphs (1) through (7) of subsection (b), the Attorney General shall consider—

(A) the number of families to be served by the proposed programs and services;

(B) the extent to which the proposed programs and services serve underserved populations;

(C) the extent to which the applicant demonstrates cooperation and collaboration with nonprofit, nongovernmental entities in the local community with demonstrated histories of effective work on domestic violence, dating violence, sexual assault, or stalking, including State or tribal domestic violence coalitions, State or tribal sexual assault coalitions, local shelters, and programs for domestic violence and sexual assault victims; and

(D) the extent to which the applicant demonstrates coordination and collaboration with State, tribal, and local court systems, including mechanisms for communication and referral.

(2) Other grants

In making grants under subsection (b)(8) the Attorney General shall take into account the extent to which the grantee has expertise addressing the judicial system's handling of family violence, child custody, child abuse and neglect, adoption, foster care, supervised visitation, divorce, and parentage.

(d) Applicant requirements

The Attorney General may make a grant under this section to an applicant that—

(1) demonstrates expertise in the areas of domestic violence, dating violence, sexual assault, stalking, or child sexual abuse, as appropriate;

(2) ensures that any fees charged to individuals for use of supervised visitation programs and services are based on the income of those individuals, unless otherwise provided by court order;

(3) for a court-based program, certifies that victims of domestic violence, dating violence,

¹ So in original. The word "to" probably should not appear.

sexual assault, or stalking are not charged fees or any other costs related to the filing, petitioning, modifying, issuance, registration, enforcement, withdrawal, or dismissal of matters relating to the domestic violence, dating violence, sexual assault, or stalking;

(4) demonstrates that adequate security measures, including adequate facilities, procedures, and personnel capable of preventing violence, and adequate standards are, or will be, in place (including the development of protocols or policies to ensure that confidential information is not shared with courts, law enforcement agencies, or child welfare agencies unless necessary to ensure the safety of any child or adult using the services of a program funded under this section), if the applicant proposes to operate supervised visitation programs and services or safe visitation exchange;

(5) certifies that the organizational policies of the applicant do not require mediation or counseling involving offenders and victims being physically present in the same place, in cases where domestic violence, dating violence, sexual assault, or stalking is alleged;

(6) certifies that any person providing legal assistance through a program funded under this section has completed or will complete training on domestic violence, dating violence, sexual assault, and stalking, including child sexual abuse, and related legal issues; and

(7) certifies that any person providing custody evaluation or guardian ad litem services through a program funded under this section has completed or will complete training developed with input from and in collaboration with a tribal, State, territorial, or local domestic violence, dating violence, sexual assault, or stalking victim service provider or coalition on the dynamics of domestic violence and sexual assault, including child sexual abuse, that includes training on how to review evidence of past abuse and the use of evidenced-based theories to make recommendations on custody and visitation.

(e) Authorization of appropriations

There is authorized to be appropriated to carry out this section, \$22,000,000 for each of fiscal years 2014 through 2018. Amounts appropriated pursuant to this subsection shall remain available until expended.

(f) Allotment for Indian tribes

(1) In general

Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 10452 of this title.²

(2) Applicability of part³

The requirements of this section shall not apply to funds allocated for the program described in paragraph (1).

(Pub. L. 106-386, div. B, title III, §1301, as added Pub. L. 113-4, title I, §104(a), Mar. 7, 2013, 127 Stat. 73.)

Editorial Notes

REFERENCES IN TEXT

Section 10452 of this title, referred to in subsec. (f)(1), was in the original "section 3796gg-10 of this title", and was translated as meaning section 2015 of Pub. L. 90-351, which was classified to section 3796gg-10 of Title 42, The Public Health and Welfare, prior to editorial reclassification as section 10452 of this title.

CODIFICATION

Section was formerly classified to section 10420 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Section was enacted as part of the Violence Against Women Act of 2000 and also as part of the Victims of Trafficking and Violence Protection Act of 2000, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

PRIOR PROVISIONS

A prior section 1301 of Pub. L. 106-386, div. B, title III, Oct. 28, 2000, 114 Stat. 1509; Pub. L. 109-162, §3(b)(2), title III, §306, title IX, §906(d), formerly §906(e), title XI, §1135(b), Jan. 5, 2006, 119 Stat. 2971, 3016, 3081, 3109, renumbered §906(d), Pub. L. 109-271, §7(b)(2)(B), Aug. 12, 2006, 120 Stat. 764; Pub. L. 109-271, §§2(d), 7(d)(2), 8(b), Aug. 12, 2006, 120 Stat. 752, 766, related to safe havens for children, prior to repeal by Pub. L. 113-4, title I, §104(a), Mar. 7, 2013, 127 Stat. 73.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section not effective until the beginning of the fiscal year following Mar. 7, 2013, see section 4 of Pub. L. 113-4, set out as an Effective Date of 2013 Amendment note under section 2261 of Title 18, Crimes and Criminal Procedure.

DEFINITIONS

For definitions of terms used in this section, see section 1002 of Pub. L. 106-386, as amended, set out as a note under section 10447 of this title.

PART L—ADDRESSING THE HOUSING NEEDS OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

SUBPART 1—GRANT PROGRAMS

§ 12471. Findings

Congress finds that:

(1) There is a strong link between domestic violence and homelessness. Among cities surveyed, 44 percent identified domestic violence as a primary cause of homelessness.

(2) Ninety-two percent of homeless women have experienced severe physical or sexual abuse at some point in their lives. Of all homeless women and children, 60 percent had been abused by age 12, and 63 percent have been victims of intimate partner violence as adults.

(3) Women and families across the country are being discriminated against, denied access to, and even evicted from public and subsidized housing because of their status as victims of domestic violence.

(4) A recent survey of legal service providers around the country found that these providers have responded to almost 150 documented eviction cases in the last year alone where the tenant was evicted because of the domestic violence crimes committed against her. In addition, nearly 100 clients were denied housing

² So in original. See References in Text note below.

³ So in original. Probably should be "section".